

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT  
M. MINKOW  
Deputy

IN RE THE MARRIAGE OF  
JIMMY R LOPEZ

JOSEPH E COLLINS

AND

LAURA E BATTAGLIA

DAVID LEE GOLDFARB

ALTERNATIVE DISPUTE  
RESOLUTION - CCC  
FAMILY COURT SERVICES-CCC

**UNDER ADVISEMENT RULING**

On April 15, 2010, Respondent ("Mother") filed a Petition to Modify Custody, Parenting Time and Child Support. She seeks a change in the physical custody of Sawyer (DOB August 20, 2009).<sup>1</sup> Respondent Father filed a Petition to Modify Child Support on March 28, 2011 and again on June 8, 2011, as a counter-petition. The Court has also been asked to address the question of the child's last name and unreimbursed medical expenses.

**I. Parenting Time & Physical Custody Issues**

The Court issued detailed findings and orders on August 25, 2010, establishing custody and parenting time. The request is to modify the orders.

The Court must determine if there has been a material change of circumstances affecting the welfare of the child. *See Canty v. Canty*, 178 Ariz. 443, 448, 874 P.2d 1000, 1005 (App. 1994);

---

<sup>1</sup> A substantial change in parenting time constitutes a change in custody under Arizona law. *See Owen v. Blackhawk*, 206 Ariz. 418, 421, 79 P.3d 667, 670 (Ct. App. 2003).

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

Ariz. Fam. L. P. 91 (2011). The Court makes that finding given the on-going and persistent state of conflict between Mother and Petitioner (“Father”) since the Court entered final orders on August 17, 2010---- when the Court entered joint physical and legal custody of the minor child.

Further, Arizona law provides that in a contested custody case, “the court shall make specific findings on the record about all relevant factors and the reasons for which the decision is in the best interests of the child.” Ariz. Rev. Stat. Ann. § 25-403(B) (2011). The Court must make those specific findings in all *custody* matters. *In Re the Marriage of Dieszi*, 201 Ariz. 524, 38 P.3d 1189 (App. 2002).

**1. The wishes of the child's parent or parents as to custody.**

- Mother wants to be the primary custodian and wishes to retain joint legal custody. She asks the Court to order Father to have model parenting time--- every other weekend with a mid-week visit. Mother also requests that the Court modify Right of First Refusal – to four (4) hours.
- Father wishes to retain joint legal custody and would like the Court to impose a week-on and week-off schedule.
- Both parents wish to reduce the number of exchanges and believe that to be in Sawyer’s best interest.

**2. The wishes of the child as to the custodian.**

- Sawyer is far too young to have any meaningful input.

**3. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.**

- Both parents are well bonded with Sawyer and love him very much.
- While the parties’ and their respective families are in a persistent state of conflict, there is no evidence to suggest that any person undermines Sawyer’s best interest.
- Father uses many caretakers—over 5—and spends little week-day time with Sawyer.
- Sawyer is very well-bonded with Mother’s family members and Father’s family members as well.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

**4. The child's adjustment to home, school and community.**

- Sawyer continues to live in a state of conflict that arises primarily out of the parties' inability to co-parent.
- The child has had adjustment issues arising from the stress, that is, alopecia.
- Both parties confirmed that Sawyer is very upset prior to and during the many exchanges, ordered by the Court on August 25, 2010.

The parties have had on-going difficulties. The hostility has resulted in frequent police contact. The anecdotal examples include:

**Dr. Proudfoot Witnesses Problems at an Exchange in Early November.**

- Dr. Jeffrey Proudfoot attended an exchange of Sawyer, sometime between 11/3/10-11/11/10 at Starbucks. Mother asked him to attend because Mother wanted to avoid a confrontation. He personally took the child into Starbucks while Mother stayed outside in front of the store. He was aggressively confronted by Father who asked Dr. Proudfoot's identity. The Starbucks Manager then told Mother that there could be no more exchanges because patrons were uncomfortable. The Manager suggested they use the grocery store across the street. The bottom line is that they were no longer welcome at Starbucks.

**Frank Magarelli Witnesses Problems at an Exchange on September 19, 2010.**

- Frank Magarelli attended an exchange on September 19, 2011. He was asked by Mother to accompany her. Mr. Magarelli and Mother arrived at 6:00 p.m. and waited approximately one hour. Father didn't show at Starbucks and Mother went to get food around 7:00 p.m. While Father texted Mother, Mother did not receive the text.
- Police arrived at Mother's home. The police asked Mother to return the child to a gas station where Father was waiting. By now, two hours had passed since the Starbucks exchange. The child was asleep and Mother stated that she would exchange the child the following day.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

**Brian Minnard, a Private Investigator, Witnesses Problems at Exchanges on October 31, 2010 and November 11, 2010.**

- Brian Minnard (a private investigator) (“PI”) was hired by Mother. On October 31, 2010, he went to paternal grandparents’ house to “confirm” this house as Father’s residence.
- Mother hired the PI because she believed that Father might have misled the Court with respect to his address and his citizenship status. (El Salvador vs. United States).
- During this visit, Paternal Grandmother advised the PI that Father did not live there. The PI and Paternal Grandparents exchanged angry words. The PI, according to Paternal Grandparents, advised them he was with the FBI. The PI warned the Paternal Grandparents that he was going to report Father to the Immigration and Naturalization Service (INS) (now referred to Bureau of the Immigration and Custom and Services).<sup>2</sup>
- Later that same day, police were called to a Starbucks. Father had become angry because he learned that Mr. Minnard had been at his parents’ house. Based on his communications with his parents, Father accused Mr. Minnard of impersonating an FBI Agent. While in dispute, the Court finds that Father became so angry that he threatened to take Mr. Minnard “out” if he returned to his parents’ house.
- Surprisingly, the Preliminary Injunction repeatedly *refused* to tell Father who he was and, therefore, what role he was playing.
- Mr. Minnard was anything but a calming factor. He was officious and pugnacious. While he accused Father of being belligerent, Mr. Minnard made matters far worse and increased the parties’ hostility. He clearly had bullied Paternal Grandparents ---- after they refused to cooperate with his inquiries about their son. While Mr. Minnard believed Father’s videotaping was disruptive, unusual and inappropriate, he too also videotaping the exchange.

**5. The mental and physical health of all individuals involved.**

- Dr. Mark Webb (Sawyer’s pediatrician) testified at trial. Dr. Webb has met both Father and Mother. But, Mother has been Dr. Webb’s primary contact.
- On September 22, 2010, about 4 weeks after the Court issued its final orders, Dr. Webb reported no health issues for Sawyer. By December 13, 2010, however,

---

<sup>2</sup> While the Preliminary Injunction denied the allegation, the Court finds that the PI did in fact misstate his identity. The Court makes this finding based on his demeanor during the testimony and at the exchange itself.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

Sawyer had a “weight” issue--- that is that he had not *gained as* much weight as had been “expected.” Sawyer’s weight was down to the 40<sup>th</sup> percentile. He also had a “hair issue” called “alopecia”--- hair loss. It is an inflammatory disorder that can be caused by stress. The hair loss issue improved by April 2011 and full growth had returned by June 2011. Notably between August and February there were volatile exchanges and by February 2011 an order of protection was in place--- and Father was not present. The exchanges were less traumatic. Dr. Webb opined the less stressful exchanges could well have precipitated the improvement.

- Rotavirus Enteritis”: On March 18, 2011, Sawyer was hospitalized with a dangerous condition called Rotavirus Enteritis, which causes high fever, diarrhea and dehydration. Dr. Webb opined that a reasonable parent should have seen the warning signs. His condition was clearly an emergent circumstance that Father overlooked.<sup>3</sup>

**6. Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent? This paragraph does not apply if the court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being a victim of domestic violence or child abuse.**

- Both parents acknowledge that frequent and meaningful visitation with the other parent is necessary.
- Both parents will permit visitation.
- The parents’ hostility is unrelated to a desire to keep the other parent away from Sawyer.

**7. Whether one parent, both parents or neither parent has provided primary care of the child.**

- Mother has taken charge with respect to Sawyer’s care.
- Father uses many family members to care for Sawyer during the week.
- Mother is the primary caretaker.

---

<sup>3</sup> Father “logged” health issues with Sawyer--- in the written log. Dr. Webb opined that Father (despite Father’s lack of medical training) should have detected this life-threatening issue.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

**8. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.**

- None.

**9. Whether a parent has complied with chapter 3, article 5 of this title.**

- Both parents have complied.

**10. Whether either parent was convicted of an act of false reporting of child abuse or neglect under section 13-2907.02.**

- Not Applicable.

**11. Whether there has been domestic violence or child abuse as defined in section 25-403.03.**

- None.

At the outset, the Court observes that Mother's Petition is not a "Mulligan."<sup>4</sup> But, the persistent conflict unequivocally provides a substantial and on-going change of circumstances. Sawyer's health is directly affected by the qualitative nature of the exchanges and the number of exchanges. The level of conflict has undermined Sawyer's best interest.

The Court has examined the totality of the circumstances and has determined Sawyer's best interest demands that the Court modify the Court's August 17, 2010 orders and will do so with the goal of providing fewer exchanges. Because Sawyer is placed with Father's relatives during the majority of weekday parenting time, reduction in Father's weekday parenting time will reduce the number of exchanges with minimal impact on Father's actual time with Sawyer.

Previously, the Court was concerned with Mother's conduct and what the Court viewed as her anger and sense of entitlement. Mother has adequately addressed her issues. As ordered, she was examined by a qualified practitioner, Dr. Goeff and the Court is satisfied that there are no on-going issues.

---

<sup>4</sup> The Court, of course, refers to the "golf" term of giving a player an extra stroke after a failed attempt.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

While Father is not the sole cause of hostility, his conduct was a primary cause. The Court makes this finding based on:

- Father and his brother-in-law consistently videotaping the exchanges (as a means of intimidation), invading other persons' privacy which caused disruption.
- Father lied to police on September 19, 2010 when he advised police that Mother was not at the exchange. He then called the police--- knowing that he was at fault for missing the exchange location on time. Father demonstrated a continuing willingness to ratchet up hostility when Mother acted reasonably to his oversight.
- On October 31, 2011, Father had threatened the PI with bodily harm in front of law enforcement.<sup>5</sup>

On March 11, 2011, Commissioner Kupiszewski affirmed an order of protection and held a very-extended hearing. It was ordered that: (1) Father not be present at any exchanges; and (2) Mother receive notes of and approve of all persons at the exchange. The Commissioner's ruling was correct then and it remains correct now.

Since the Commissioner entered the orders, circumstances have improved dramatically because Father was removed from the exchanges. Still, there have been issues.

IT IS ORDERED THAT:

- Mother shall be the primary residential custodian. The Court finds that it is in Sawyer's best interest, however, to give Father extensive visitation with as few exchanges as is practical.
- Father shall have parenting time every other weekend--- beginning Friday at 6:00 p.m. until Monday at 7:00 a.m.
- Father shall have midweek parenting time, every Tuesday---- beginning at 6:00 p.m. and ending at 7:00 a.m., Wednesday morning.
- The parties shall exchange the child at a police station or police substation agreed to by the parties—but Father may not be present. Father shall designate a person for pick-up which may be Maternal Grandmother. Father may designate another person to pick up the child or be present at the exchanges but must do so no later than 3 days in advance, in writing. Mother may reasonably *reject* the designation in writing and upon such rejection that person or persons may not be at the exchange. The Parenting Coordinator ("PC") shall address any disputes and may

---

<sup>5</sup> The Court cannot attribute Minnard's misconduct to Mother. She is now on full notice, however, that his *modus operandi* undermines smooth exchanges and his services shall not be used further.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

recommend make-up parenting time in the event that Mother unreasonably rejects a designee and that rejection impacts parenting time.

- No person present at the exchange may engage in *any* form of communication that is not directly related to the child's physical, emotional or moral welfare.
- If the parties cannot agree on an police station or police substation, they shall use the Parenting Coordinator to resolve the dispute.

IT IS FURTHER ORDERED that both parents shall continue to have joint legal custody and:

1. Each parent shall immediately advise the other parent of any emergent circumstance that touches on Sawyer's education and physical, mental, moral or emotional health.
2. The parties shall communicate by phone and text only. If necessary, they shall otherwise use email. The parties may not accuse one another of misconduct in the e-mails. The parties shall employ the follow guidelines: (1) 1 topic per e-mail; (2) the written communications shall be one short paragraph, no more than 5 sentences; (3) all communications should be either (i) future-focused regarding an emerging problem, or (ii) informative such as providing information about Sawyer's physical, emotional or moral welfare; (3) all communications must pertain to Sawyer's physical, emotional or moral welfare; (4) communications may not be repetitive unless the communicating party has reason to believe a previous communication was overlooked; (5) parties shall respond in a timely fashion, within 24 hours of a communication and when an "emergency" exists the sending party shall signal the receiving party notice by captioning the e-mail "911"; (6) Absent good cause, the parties should initiate no more than 2 communications per day; (7) the communications about Sawyer, absent good cause, shall be between the parties and not involve other caregivers; (8) each parent and caregivers shall exchange their contact information so that they may communicate when circumstances addressing the Sawyer's physical, emotional or moral welfare are at issue; (9) in no event, shall the parties use accusatory, sarcastic, profane or abusive language.
3. The parties shall *continue* to maintain spiral binders, labeled on the front cover, by Month and Year ("Binder"). The Binder shall be exchanged with Sawyer. While caring for Sawyer, each party shall note all events that affect her moral, emotional or physical well-being, along with the time and other directly relevant information, and place their initials after the entry. In no event shall the parties use accusatory, threatening, sarcastic, profane or abusive language. The Binder(s) shall be maintained, when full, at Mother's home in a safe place away



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

from Sawyer. At Father's request, however, Mother shall temporarily surrender all or some of the Binders to Father for 24-hour time periods, if he wishes to photocopy them for any reason. Mother shall provide the PC with a copy of the Binder, or any part of the Binder, at the PC's request, at any time. The parties shall write legibly and only on their parenting days. In the event that the parties forget the log book (e.g. March 10, 11, 12 13, July 11, 12, 13, 14--- 2011), that party may attach a page to the book.

4. The PC shall have access to the binder or the emails at his or her request.
5. Neither parent may enroll Sawyer in extracurricular activities that infringe on the other's parenting time, unless expressly agreed in writing by that parent.
6. Each parent shall maintain clothing, toys, and other items reasonably necessary for Sawyer's care in their respective homes.
7. Neither party shall discuss parenting time, child support or custodial issues with Sawyer unless absent reasonable cause that it is necessary to do so to protect Sawyer's physical, emotional or moral welfare.
8. If either parent is unavailable to care for Sawyer overnight during his/her regularly scheduled access time, the non-custodial parent is entitled to care for Sawyer before another family member (including a step parent, fiancé or grandparent). The parent who will be absent overnight shall provide the other parent 48 hours notice so that he/she may choose to exercise this option which the Court will call the "right of first refusal." Notice of a parties' choice to exercise his/her right of first refusal must be exercised, if at all, within 24 hours of the other party giving notice that he/she is will be absent overnight.
9. Neither parent shall expose Sawyer to derogatory comments about the other parent or his/her relatives, friends or "significant others." The parents shall not argue in front of Sawyer or where he can overhear arguments.
10. Neither parent shall disparage the other parent's religious views and shall respect the other parent's right to expose Sawyer to his/her own religious views during their his/her parenting time.
11. The non-custodial parent shall have the right to contact Sawyer by telephone during Sawyer's reasonable waking hours, no more than once per day, for 5

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

minutes. The exact time may be set by the parties and the length of the calls may be extended by the parties, if agreed in writing by the parties.

12. In the event of an emergency, the non custodial parent has permission to seek care immediately but should contact the other parent as soon as reasonably practicable, which is presumed to be ***no more than 2 hours***. Neither parent should make health care appointments during the other parent's parenting time but shall inform the other parent of all appointments.
13. In the event, a parent wishes to remove Sawyer from Maricopa County during his/her parenting time or summer vacation, he/she shall provide the other parent with a written itinerary, one week in advance, which shall include: (1) the date and time of departure; (2) the mode of transportation; (3) the persons with whom Sawyer will travel; (4) the point of destination(s); (5) contact information at all points of destination; (6) the date of departure, the mode of transportation back, the persons with whom Sawyer will travel, and the estimated time of arrival; and (7) a phone call, e-mail or other direct communication upon arrival back to their residence.
14. Both parents are entitled to all records pursuant to Ariz. Rev. Stat. Ann. § 25-403.06 and provisions, including but not limited to potential sanction, apply; *both parents* shall have equal access to documents and other information concerning Sawyer's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of records or the other Parent.
15. **Summer Vacation Schedule:** Both parents shall have one week of uninterrupted visitation time during each year. The vacation shall take place during the summer months, that is, June, July or August. The parties shall choose their time periods for their respective vacations and communicate those periods to one another no later than April 15th each year. If there is a conflict in vacation time that cannot be resolved, Mother's proposed vacation time shall prevail in odd-numbered years and Father's proposed vacation time shall prevail in even-numbered years. The failure to provide a timely proposed vacation schedule will result in the automatic forfeiture of that parent's vacation for that year. In no event may a parent schedule their Vacation Time to conflict with other parent's Major Holiday. However, the parents may schedule their Vacation Time to append to their own Regular Parenting Time or their own Major Holiday time to extend the actual time of visitation during their Summer Vacation.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

**IT IS FURTHER ORDRED** that the parties shall continue to share “Major Holidays” as set forth herein as follows:

**Holiday Schedule**

<b>Major Holiday</b>	<b>Mother</b>	<b>Father</b>
Thanksgiving	Even	Odd
Christmas	Odd	Even
Easter	Even	Odd
Mother’s Birthday	Every	Never
Father’s Birthday	Never	Every
Father’s Day	Never	Every
Mother’s Day	Every	Never
July 4	Odd	Even
Halloween	Even	Odd

**Thanksgiving** shall be defined as the Wednesday before Thanksgiving at 6:00 p.m. until the Sunday following at 6:00 p.m.

**Christmas** shall be defined as starting from December 23<sup>rd</sup> at 6:00 p.m. to December 28<sup>th</sup> at 6:00 p.m.

**Easter** shall be defined as Easter Sunday starting from 8:00 a.m. until 6:00 p.m.

**Mother’s Birthday** shall be defined as her birthday starting from 8:00 a.m. until 6:00 p.m.

**Mother’s Day** shall be defined as that Sunday starting from 8:00 until 6:00 p.m.

**Father’s Birthday** shall be defined as his birthday starting from 8:00 a.m. until 6:00 p.m.

**Father’s Day** shall be defined as shall be defined as that Sunday starting from 8:00 until 6:00 p.m.

**July 4<sup>th</sup>** shall be defined as July 4<sup>th</sup> starting from 4:00 p.m. until 10 p.m.

**Halloween** shall be defined as October 31<sup>st</sup> starting from 4:00 p.m. until 8:00 p.m.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

**Major Holidays shall supersede Regular Parenting Time.**

**II. Child Support and Reimbursement Issues**

There is no longer any dispute about un-reimbursed medical expenses--- although Father challenges Mother's veracity and requests attorney's fees. *See Notice of Reimbursed Medical Expenses to be Paid by Petitioner*, (filed September 14, 2011) and *Response to Notice Re Unreimbursed Medical Expenses to be Paid by Petitioner and Notice of Payment* (filed September 29, 2011). With proof of payment, the issue has been resolved.

Respondent has presented evidence that Petitioner has failed to provide child support as ordered by the Court.

IT IS ORDERED that Father shall immediately pay \$307.24 and judgment shall be entered if payment is not made by October 31, 2011. Respondent may request a judgment in writing, if not paid.

With respect to on-going child support and modification, the number of parenting days is calculated as follows:

<b>Holiday</b>	<b>Father's Parenting Time Allotted</b>	<b>Notes</b>
Thanksgiving	.5	
Christmas	2.5	
Easter	.5	
Mother's Birthday	0.0	
Father's Birthday	1.0	
Father's Day	1.0	
Mother's Day	0.0	
July 4	0.5	
Halloween	0.5	
Summer Vacation	7.0	
Weekend Parenting Time	78.0	
Midweek Parenting Time	52.0	
<b>Father's Total Parenting Time</b>	<b>143.5</b>	

*See Ariz. Rev. Stat. Ann. § 25-320, Appendix 11(C) (2011).*

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheets filed by the Court this date, which the Court hereby incorporates and adopts as its findings with respect to child support.

IT IS ORDERED that Father shall pay child support for the minor child to Mother in the monthly amount of \$142.62, commencing October 31, 2011, by wage assignment through the Support Payment Clearinghouse.

LET THE RECORD REFLECT that an electronic Order of Assignment is initiated by the above-name deputy clerk.

FILED: Child Support Worksheet(s)

IT IS ORDERED that, within seven days of receipt of this minute entry, Petitioner shall complete and mail the attached Current Employer Information form to:

**Clerk of Court  
Attention: Family Court Services  
201 W. Jefferson  
Phoenix, AZ 85003**

IT IS FURTHER ORDERED that any time an Order of Assignment is not resulting in full payment of the child support obligation, Father shall make full and timely payments directly to the Support Payment Clearinghouse in accordance with the "Instructions for Making Support Payments through the Clearinghouse" mailed to Father's 's counsel by way of separate mailing.

As set forth in the Child Support Worksheet, Mother shall provide medical insurance for the benefit of the parties' child, and the parties shall share the costs of medical, dental and vision expenses not paid by insurance as follows: Father: 44% and Mother: 56%.

IT IS FURTHER ORDERED that if Mother has not already done so, she shall provide an insurance card and claim filing information/forms to Father.

IT IS FURTHER ORDERED that except for good cause shown, any request for payment or reimbursement of uninsured medical, dental, or vision costs must be provided to the other parent in writing within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her proportionate share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

45 days after receipt of the request. Failure to make such payment(s) may result in a finding of contempt, which may result in sanctions, including incarceration.

IT IS FURTHER ORDERED that both parents shall use their best efforts to obtain services that are covered by Sawyer's insurance. A parent who is entitled to receive reimbursement from the other parent for medical, dental, or vision costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

Mother shall have the tax exemption in 2011 and all future even-numbered years.

**III. Name Change**

IT IS ORDERED referring this matter to the Court's Alternative Dispute Resolution (ADR) Office for the appointment of a Judge *Pro Tempore* to conduct a settlement conference and to enter stipulated orders in this matter. The settlement conference will be scheduled by ADR. Counsel and/or the parties will receive a notice with necessary settlement conference information from ADR.

**IV. Mediation Necessary Prior to Filing a Petition to Amend These Orders**

Absent an emergency, the parties must engage the Court's conciliation services or another professional mediator prior to file a petition to modify these orders.

**V. Attorneys' Fees**

The Court has considered the financial resources of both parties and the reasonableness of their positions in this matter in accordance with A.R.S. § 25-324,

IT IS ORDERED that each party shall pay his/her own attorney's fees and costs incurred in this matter.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ Michael D. Gordon

---

MICHAEL D. GORDON  
JUDGE OF THE SUPERIOR COURT

FILED: Exhibit Worksheet

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053747

10/07/2011

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

JOSEPH E COLLINS: Current Employer Information, Non IV-D Payment Instructions